

REMARKS

The present application is a divisional of U.S. Patent Application No. 09/859,053, filed May 16, 2001.

The specification has been amended to insert sequence identifiers and update the priority information on the first page of the application. In addition, the paragraph in the specification beginning at page 127, line 21 has been amended to correct an obvious error regarding the position of the variable region in the heavy chain amino acid sequence of SEQ ID NO:28. This paragraph has been amended to recite amino acid numbers "20 to 117" instead of "20 to 118." Support for the amendment can be found, e.g., in original claims 30, 34, 43, 64, and 68, and in the specification at page 12, line 6, page 12, line 8, page 14, line 17, page 16, line 2, page 20, line 19, and page 21, line 25, all of which recite the position of the variable region as amino acids "20 to 117" in the heavy chain amino acid sequence of SEQ ID NO:28. In addition, page 127, lines 19-20 of the specification refers to nucleotides 126-419 of SEQ ID NO:27 (which encode amino acids 20-117 of SEQ ID NO:28) as encoding the heavy chain variable region. Accordingly, one skilled in the art would recognize the error in the specification as well as the correction made by the present amendment. These amendments add no new matter.

Enclosed is a check for the filing fee. Please apply any charges or credits to Deposit Account No. 06-1050, referencing Attorney Docket No. 14539-006003.

Respectfully submitted,

Date: March 10, 2004

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Takashi Tsuji et al. Art Unit :
Serial No. : Examiner :
Filed : Herewith
Title : HUMAN MONOCLONAL ANTIBODY AGAINST A COSTIMULATORY
SIGNAL TRANSDUCTION MOLECULE AILIM AND PHARMACEUTICAL
USE THEREOF

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REMARKS

The application submitted herewith is a divisional application of U.S. application serial number 09/859,053, filed May 16, 2001.

The original claims of the parent application have been omitted. New claims 1-24 are presented for examination on pages 147-150 of the present specification. The new claims are supported by the specification of U.S. Patent Application No. 09/859,053 at, for example, page 4, lines 26-31; page 9, lines 6-10; page 27, line 17, to page 28, line 26; page 91, line 15, to page 95, line 2; page 134, line 21, to page 138, line 20; and by original claims 103-108. No new matter has been added by these amendments.

Claims 1-24 appear to be directed to the same patentable invention as claims 9, 11 and 13 of U.S. Patent Application No. 10/186,381 (Rottman and Kroczeck), filed June 26, 2002, as set forth in U.S. Patent Application Publication No. 2004/0001831. If the Patent Office were to declare an interference between the present application and U.S. Patent Application No. 10/186,381, Applicants submit that present claims 1-24 are fully supported by the disclosure of Japanese Patent Application No. 2001-99508 (filed March 30, 2001, published February 5, 2002, as Publication No. 2002-034581). The present application claims priority to Japanese Patent Application No. 2001-99508, which was filed approximately 15 months prior to the June 26, 2002 filing date of U.S. Patent Application No. 10/186,381.

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Applicant : Takashi Tsuji et al.
Serial No. :
Filed : Herewith
Page : 2 of 2

Attorney's Docket No.: 14539-006003 / JF-93US-D2

Enclosed with this application is an Information Disclosure Statement that lists the reference Yoshinaga et al. "Characterization of a new human B7-related protein: B7RP-1 is the ligand to the co-stimulatory protein ICOS," INTERNATIONAL IMMUNOLOGY, 12(10):1439-1441 (2000), a copy of which was supplied to the U.S. Patent & Trademark Office in the parent of the present application. A reasonable examiner may find Yoshinaga et al. to be material to the patentability of claims of the present application as well as those of U.S. Patent Application No. 10/186,381.

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